

APPEAL NO. 022823
FILED DECEMBER 12, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 30, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) sustained a compensable injury on _____, that consisted of no more than a contusion and resulting muscle spasms to her low back area; that the claimant did not sustain an injury to the disc at the L4-5 spinal level of her lumbar spine on _____; and that the claimant had disability from February 28 through March 15, 2002. The claimant appeals the extent-of-injury and the period-of-disability determinations on sufficiency of the evidence grounds, asserting that the hearing officer failed to "liberally construe" the facts in favor of the claimant. The respondent (self-insured) responded, urging affirmance. The hearing officer's injury determination has not been appealed and has become final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in reaching the complained-of determinations. The issues of extent of injury and disability involve questions of fact for the hearing officer to resolve. The claimant had the burden of proving the nature and extent of her compensable injury. The hearing officer is the sole judge of the weight and the credibility to be given the evidence. Section 410.165(a). The evidence before the hearing officer was conflicting. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.); Aetna Insurance Co. v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**RM
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Veronica Lopez
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Susan M. Kelley
Appeals Judge